

Bell Atlantic Network Services, Inc.  
1133 Twentieth Street, N.W.  
Suite 810  
Washington, DC 20036  
202 392-6979

Joseph J. Mulieri  
Director - FCC Relations

CC 96-159

EX PARTE OR LATE FILED

January 13, 1997

RECEIVED

Received

JAN 14 1997

JAN 17 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Common Carrier Bureau  
Network Service Division  
Office of the Chief

Ms. Geraldine Matise  
Chief - Network Services Division  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**Re: LATA Boundary Relief For Specific Bell Atlantic Exchanges**

Attached, as Exhibits A thru C, are Extended Area Service (EAS) LATA boundary relief requests that had originally been submitted to the Department of Justice pursuant to the AT&T Consent Decree. Exhibits D thru M are copies of applications, and subsequent State Corporation Commission approvals, of requests to the State Corporation Commission for authority to notify customers of rate adjustments necessitated by extending their local calling area. With the passage of the Telecommunications Act on February 8, 1996, jurisdiction over interLATA communications now resides with the Federal Communications Commission.

Accordingly, Bell Atlantic is hereby requesting that the FCC grant LATA boundary relief, under authority of Section 3 (25) of the Telecommunications Act of 1996, for the following exchanges:

**Exhibit A:** Boundary relief to permit EAS calling from Bell Atlantic - Pennsylvania's New Florence exchange to GTE's Johnstown exchange;

**Exhibit B:** Boundary relief to permit EAS calling from Bell Atlantic - West Virginia's Mason exchange to the Pomery and Middleport, Ohio exchanges;

**Exhibit C:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Honaker exchange to GTE's Richlands exchange;

**Exhibit D:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Waverly exchange to GTE's Claremont exchange;

**Exhibit E:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Lynchburg exchange to the Stone Mountain exchange;

**Exhibit F:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Hampton zone of the Newport News Metropolitan exchange to GTE's Gloucester exchange;

**Exhibit G:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Newport News zone of the Metropolitan exchange area to GTE's Gloucester exchange;

**Exhibit H:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Peninsula zone of the Metropolitan exchange area to GTE's Gloucester exchange;

**Exhibit I:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Poquoson zone of the Metropolitan exchange area to GTE's Gloucester exchange;

**Exhibit J:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Hampton zone of the Newport New Metropolitan exchange area to the GTE Hayes exchange;

**Exhibit K:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Newport News zone of the Newport News Metropolitan exchange area to the GTE Hayes exchange;

**Exhibit L:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Peninsula zone of the Newport News Metropolitan exchange area to the GTE Hayes exchange;

**Exhibit M:** Boundary relief to permit EAS calling from Bell Atlantic - Virginia's Poquoson zone of the Newport News Metropolitan exchange area to the GTE Hayes exchange;

Please do not hesitate to contact me if there are any questions regarding this material or if I can provide additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph J. Mullin".

Attachments

## **EXHIBIT A**

Bell Atlantic Network Services  
1133 20th Street, N.W.  
Washington, D.C. 20036  
Tel. (202) 392-1497  
Fax (202) 223-2927  
E-mail goodman@ba.com

John M. Goodman  
General Attorney

August 31, 1995

By Hand

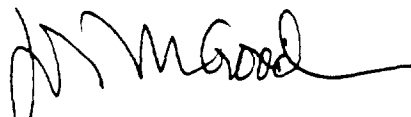
Donald J. Russell, Esq.  
Chief, Telecommunications Task Force  
Antitrust Division  
U.S. Department of Justice  
Room 8104  
555 Fourth Street, N.W.  
Washington, D.C. 20001

Dear Mr. Russell:

Bell Atlantic-Pennsylvania hereby requests that the Department recommend to the Court the grant of the enclosed Application for Waiver To Provide Non-Optional One-Way Extended Area Service.

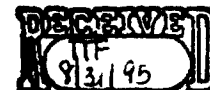
If you have any questions with respect to this matter, I would be pleased to discuss them with you.

Very truly yours,



John M. Goodman

Enclosures



NOTICE OF FILING WITH THE DEPARTMENT OF JUSTICE

Please be advised that the attached request of Bell Atlantic - Pennsylvania for a waiver of the Modification of Final Judgment to allow the company to provide non-optional one-way extended area service from its New Florence exchange area to GTE's Johnstown exchange area has been submitted to the United States Department of Justice for its consideration, "formally or informally with the requesting Regional Holding Company and all other interested parties" pursuant to the procedures set forth by the United States District Court for the District of Columbia in United States v. Western Electric Co., Inc. and American Telephone and Telegraph Company, C.A. 82-0192-HHG.

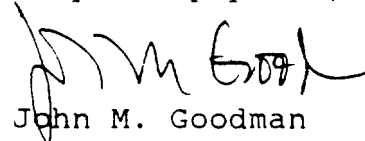
The Department of Justice has asked Bell Atlantic to identify those persons who will be affected by this request and to inform them that the Department of Justice invites their comments.

The Department of Justice requires that comments relating to this request for a waiver of the consent decree be submitted within twenty-one days. Comments should be directed to:

Donald J. Russell  
Chief, Telecommunications Task Force  
U.S. Department of Justice  
Room 8104  
555 Fourth Street, N.W.  
Washington, D.C. 20001

Copies of any such comments should also be served upon undersigned counsel.

Very truly yours,



John M. Goodman

Date: August 31, 1995

-  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

-against-

WESTERN ELECTRIC COMPANY, INC.,  
and AMERICAN TELEPHONE AND  
TELEGRAPH COMPANY,

Defendants.

Civ. No. 82-0192 (HHG)

**APPLICATION FOR WAIVER TO PROVIDE  
NON-OPTIONAL ONE-WAY EXTENDED AREA SERVICE**

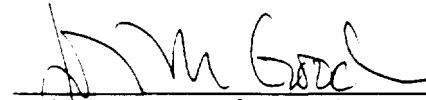
Bell Atlantic-Pennsylvania, Inc., asks the Department to recommend that the Court grant it a waiver to provide non-optional one-way extended area service from its New Florence exchange area to GTE's Johnstown exchange area. The New Florence exchange is in the Pittsburgh LATA has 1155 access lines. Johnstown is in GTE territory associated with the Altoona LATA and has more than 42,000 access lines. The rate centers of the two exchanges are nine miles apart.

On March 31, 1995, the Pennsylvania Public Utility Commission ordered Bell Atlantic-Pennsylvania to conduct a poll of its New Florence customers to determine their interest in EAS to Johnstown. That order further required Bell Atlantic-Pennsylvania to seek a waiver of the decree to provide this service if the results of the poll were positive. On July 11,

the Commission reported that the poll showed more than 61 percent of customers voting in favor of the EAS service.

This interLATA extended area service arrangement is comparable to those authorized by the Court numerous times since 1983, and Bell Atlantic-Pennsylvania asks the Department to recommend that the Court approve this one as well.

Respectfully submitted,



John M. Goodman (Bar No. 383147)

Attorney for Bell Atlantic-  
Pennsylvania

1133 20th Street, N.W.  
Washington, D.C. 20036  
(202) 392-1497

Of Counsel  
Julia A. Conover

Dated: August 31, 1995

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A copy of the Commission's order and letter certifying the results of the poll are attached.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held March 30, 1995

Commissioners Present:

John M. Quain, Chairman  
Joseph Rhodes, Jr., Vice Chairman  
Lisa Crutchfield  
John R. Hanger  
David W. Rolka

Pennsylvania Public Utility Commission  
v.  
Bell Atlantic-Pennsylvania, Inc.

P-00950921

OPINION & ORDER

BY THE COMMISSION:

On March 10, 1995, Bell Atlantic-Pennsylvania, Inc. ("Bell" or "Company") filed a Petition pursuant to the provisions of 52 Pa. Code Sections 63.71-63.77 for permission to poll its New Florence exchange customers for one-way extended area service ("EAS") to GTE North, Inc.'s Johnstown exchange. The Commission's Secretarial Letter dated November 14, 1994, to Bell confirmed its agreement to conduct a polling for EAS on this route based on the 1993 interLATA traffic studies.

Bell's aggregated 1993 interLATA traffic studies show that the monthly average number of calls made per access line from New Florence (235 and 676 prefix) to Johnstown (241, 242, 255, 266, 269, 288, 322, 532, 533, 535, 536, and 539 prefixes) was 5.56 calls per month. The New Florence to Johnstown exchanges are contiguous interLATA routes with rate centers located 9 miles apart. The New Florence exchange is located in Indiana and Westmoreland counties, and the Johnstown exchange is located in Cambria and Somerset counties.

Presently, there are 1,155 access lines in the New Florence exchange. The local calling area of the New Florence exchange presently includes the Bolivar and New Florence exchange areas. Implementation of EAS from New Florence to Johnstown would



expand the local calling area of New Florence from the present 2,578 access lines to 43,967 access lines for an increase of 46,289, or 1,728%.

The addition of Johnstown to the New Florence local calling area would not move New Florence from its present Dial Tone Line Call #4 at a one-party residence rate of \$4.75. However, the addition would move New Florence from its present Usage Package Rate for Residence Local Area Unlimited of \$3.85 (Rate Group A) to \$5.30 (Rate Group B). This would result in an increase in the one-party residence local flat dial tone and usage rate from the present \$8.60 (\$4.75 + \$3.85) per month to \$10.05 (\$4.75 + \$5.30) per month, for a monthly increase of \$1.45, or 16.86%. Because implementation of EAS on these routes would result in an increase in local service rates for New Florence subscribers, these routes qualify for polling under our EAS regulations.

Our review and analysis of the supporting data contained in the Petition reveal that the establishment of EAS on these routes would result in a net annual revenue increase of \$13,483 (i.e. a Local Revenue increase of \$13,483). In addition, the Company would experience a net increase in annual expenses of \$42,079 (i.e. an EAS Settlement of \$18,735 and an Annual Charge on Additional EAS Investment of \$23,344). The combined effect of the changes in annual revenues and expenses would result in a net annual loss in operating income, before taxes, of approximately \$28,596.

If a majority of the subscribers in the New Florence exchange approve the EAS proposal, Bell will petition the United States District Court for the District of Columbia for a waiver of the Modified Final Judgment restriction on Bell providing interLATA service. Bell will petition for the waiver within 60 days of receipt of notice from the Commission that the polling results were favorable. The EAS will be implemented upon receipt of the waiver of the MFJ.

We shall grant Bell's Petition in part and deny it in part, and we shall require Bell to modify its proposed transmittal letter and ballot similar in all respects to the revised transmittal letter and ballot in Attachment A of this Opinion and Order. In addition, we shall require the Company to furnish the Commission with a list of the New Florence exchange customers to whom ballots are to be sent, listed by consecutive telephone number sequence, five days prior to mailing, together with a statement advising the number of ballots to be mailed. Our Bureau of Transportation and Safety will tabulate the results of each customer poll, based upon the ballots returned to us within the submission period, or thirty (30) days after the mailing date. Should the results of the polling prove favorable, the Company shall petition the United States District Court for the District of Columbia for a waiver of the Modified Final Judgment restriction on

providing interLATA service and implement EAS from New Florence to Johnstown upon granting of the waiver; THEREFORE,

IT IS ORDERED:

1. That the Petition filed by Bell Atlantic-Pennsylvania, Inc., at Docket No. P-00950921, on March 10, 1995, be, and hereby is, granted in part and denied in part.

2. That the Company be, and hereby is, permitted to begin the balloting process for one-way EAS from New Florence to Johnstown within forty-five (45) days of the date of entry of this Opinion and Order.

3. That the revised transmittal letter and ballot, as reviewed by our Bureau of Public Liaison in accordance with our Plain Language Guidelines, contained in Attachment A of this Opinion and Order, be, and hereby are approved.

4. That the Company shall furnish our Bureau of Transportation and Safety with a list of the New Florence exchange customers to whom ballots are to be sent, listed by consecutive telephone number sequence, five days prior to mailing, together with a statement advising the number of ballots to be mailed.

5. That our Bureau of Transportation and Safety is hereby directed to:

(a) Tabulate the results of the customer poll, based upon the ballots returned to us within the submission period, or thirty (30) days after the mailing date; and,

(b) Notify the Company of the final results of the polling by Secretarial Letter.

6. That if the results of the polling are positive, then it is further ordered that:

(a) The Company shall petition the United States District Court for the District of Columbia for a waiver of the Modified Final Judgment restriction on providing interLATA service within 60 days of receipt of notice from the Commission that the polling results were favorable.


(b) The Company shall implement one-way EAS from New Florence to Johnstown within four months upon notification from the

United States District Court for the District of Columbia that the Modified Final Judgment waiver has been granted;

- (c) The Company shall file a revised tariff supplement, to become effective upon at least one day's notice, to add Johnstown to the local calling area of the New Florence Exchange, and to transfer customers in the New Florence Exchange to Rate Group E; and,
- (d) In conjunction with Ordering Paragraph 7.(b), above, if an Optional Calling Plan currently exists on these toll routes in interexchange companies' tariffs, all interexchange companies affected shall file, or cause to be filed, a revised tariff supplement to become effective upon at least one day's notice, which removes the New Florence to Johnstown toll routes as available routes under the Company's Optional Calling Plan.

7. That a copy of this Opinion and Order be served upon Bell; AT&T Communications of Pa., Inc.; MCI Telecommunications Corp.; Sprint Communications Co., L.P.; LCI International Telecomm. Corp.; and ATX Communications.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: March 30, 1995

ORDER ENTERED: MAR 31 1995

Bell Atlantic-Pennsylvania, Inc.  
One Parkway  
Philadelphia, Pa. 19102

This letter and the enclosed ballot are important.

Please read carefully.

To our New Florence Exchange Customers,

You may soon be able to call many Johnstown phone numbers toll-free! Depending on the results of the enclosed ballot, we may be able to offer you Extended Area Service or EAS. EAS increases your local calling area.

We are asking our New Florence customers to please respond to this letter. A good response will help us find out if most of you want your local service area increased to include calls to the Johnstown exchange. You would be able to call Johnstown residence and business numbers beginning with 241, 242, 255, 266, 288, 322, 532, 533, 535, 536, 539, in the 814 area code, without being charged for a toll call.

If we extend your local calling area to Johnstown, your monthly local service rates will increase. The following chart shows what your specific monthly increase will be. The following rate increases are for your local Usage Package Rate only, your Dial Tone Line Rate remains unchanged.

	Our Current Monthly Rate	Increased Rate to Call Johnstown Toll-Free	Your Increase In Monthly Rates
<u>RESIDENCE CUSTOMERS</u>			
Local Area Unlimited	\$ 3.85	\$ 5.30	\$1.45
Local Area Standard	2.60	2.60	\$ --
Budget Usage Option	--	--	--
<u>BUSINESS CUSTOMERS</u>			
Local Area Unlimited*	\$10.70	\$15.00	\$4.30
Local Area Valu-Pak	9.20	13.80	\$4.60**
Local Area Standard	6.90	6.90	\$ --

\*Not available to new customers

\*\*Monthly allowance increases from \$12.00 to \$18.00

The above rate increases are for your local usage package service only. Charges will not change for your dial tone line, touch tone service, inside wire maintenance, any mileage/zone charges or optional services.

#### What You Need To Do To See If EAS Benefits You

1. Check your long distance bill(s) to compare the increase in your monthly rate to what you are now paying in toll charges to the 241, 242, 255, 266, 288, 322, 532, 533, 535, 536, and 539 Johnstown numbers. Compare this to the increases shown in the chart on Page 1.
2. The person whose name is on your Bell Atlantic-Pennsylvania, Inc. telephone bill must be the person filling out the ballot.
3. Since the ballots will be counted by the Public Utility Commission (PUC), you need to return the ballot to them. A postage-paid ballot addressed to the PUC is enclosed for your use.
4. Return the ballot on or before       (date)      . The PUC will not count ballots postmarked after       (date)      .

#### What Happens Next?

In order for the PUC to grant Extended Area Service:

- at least 50 percent of all Bell Atlantic-Pennsylvania, Inc.'s New Florence customers must vote, and
- more than 50 percent (or a majority) of the returned ballots must be in favor of extending the local calling area to Johnstown.

Based on customer response, if the PUC does grant EAS to the Johnstown exchange, Bell Atlantic-Pennsylvania, Inc. must file a petition with the U.S. District Court for a waiver to allow Bell Atlantic-Pennsylvania, Inc. to provide New Florence customers with Extended Area Service to the Johnstown exchange. Bell Atlantic-Pennsylvania, Inc. will file the petition within 60 days of the PUC approval. If approval is received from the U.S. District Court, Bell Atlantic-Pennsylvania, Inc. will notify you, by letter and/or billing insert, as to when EAS to Johnstown will be available.

If you have questions about this letter, or how this letter will affect you, please call our business office at       (company phone number)       and we will answer your questions.

Very truly yours,

      (name of company official)        
      (official's position)

EAS SUBSCRIBER POLL  
NEW FLORENCE BALLOT

Please use a pen and mark only one of the boxes below.

☐

I am willing to pay the higher local service rates shown in this letter and dial toll-free to the Johnstown telephone numbers.

☐

I prefer to pay toll charges when I call Johnstown and keep my present local service rates.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Telephone Number \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

July 11, 1995

IN REPLY PLEASE  
REFER TO OUR FILE

Mr. Glenn F. Kennedy, Jr.  
Manager - Regulatory Affairs  
Bell Atlantic-Pennsylvania, Inc.  
Fourth Floor  
Strawberry Square  
Harrisburg, PA 17101

P-00950921

Dear Mr. Kennedy:

The Commission at Public Meeting held on March 30, 1995, directed Bell Atlantic-Pennsylvania, Inc. to conduct a customer poll of its New Florence Exchange with regard to one-way extended area service from New Florence to GTE North Inc.'s Johnstown Exchange.

The results of the balloting indicate that 63.3 percent of the New Florence Exchange customers voted in the customer poll. A summary of the balloting follows:

Number of customers polled	1,154	
Number of customers returning ballots	617	
Ballots voided	5	
Number of valid ballots	612	
Percent of customers voting		53.5%
Number of customers voting in favor of extended area service to Johnstown	375	
Percent of customers voting Yes		61.3%
Number of customers voting for no change in the present service arrangements	237	
Percent of customers voting no		38.7%

Therefore, in accordance with Paragraph 6 of the Opinion and Order entered March 31, 1995, at Docket No. P-00950921, Bell Atlantic-Pennsylvania Inc. is hereby advised that one-way EAS from New Florence to Johnstown shall be implemented.

RECEIVED

JUL 19 1995

HARRISBURG  
EXTERNAL AFFAIRS

Very truly yours,

John G. Alford  
Secretary

-  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

-against-

WESTERN ELECTRIC COMPANY, INC.,  
and AMERICAN TELEPHONE AND  
TELEGRAPH COMPANY,

Defendants.

Civ. No. 82-0192 (HHG)

ORDER

Upon the motion of the United States, dated \_\_\_\_\_,  
1995, and the entire record herein, it is hereby

ORDERED that Bell Atlantic-Pennsylvania may provide  
interLATA non-optional extended area service from its New  
Florence exchange to GTE North's Johnstown exchange.

\_\_\_\_\_  
Harold H. Greene  
United States District Judge

Dated:



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Application for Waiver To Provide Non-Optional One-Way Extended Area Service" and proposed order was served this 31st day of August, 1995 by first class mail, postage prepaid, on the parties on the attached list.

Jaynemarie Lentlie

U.S. Department of Justice

Donald J. Russell, Esq.  
Chief, Telecommunications  
Task Force  
Antitrust Division  
U.S. Department of Justice  
555 Fourth Street, N.W.  
Washington, D.C. 20001

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Department of Justice

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American Newspaper Publishers  
Association; Telocator Network of  
America

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ADPSO; IDCMA

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California Public Utilities  
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Competitive Telecommunications  
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Compuserve Incorporated

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Computer & Communications Industry Association

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Interactive Services Association

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District of Columbia Public Service Commission and the Office of the Corporation Counsel

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MCI Communications Corporation

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National Association of Broadcasters

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GTE Corporation

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National Association of Regulatory  
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National Cable Television Association

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Newspaper Association of America

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National Cable Television Association

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National Consumers League, et al.

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Rural Telephone Coalition

David Cosson, Esq.  
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New York State Department of Public Service

Penny Rubin, Esq.  
New York State Dept. of  
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Telecommunications Industry Association

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US Sprint Communications Corp.

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Western Union Corporation

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United States Telephone Association

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United States Telephone Association

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Washington, D.C. 20036

## **EXHIBIT B**

COPY

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Bell Atlantic, Network Services, Inc.  
1320 North Courthouse Road.  
Eighth Floor  
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(703) 974-2930  
(703) 974-259 - FAX

John M. Goodman  
General Attorney

December 4, 1995

Donald J. Russell  
Chief, Telecommunications Task Force  
Antitrust Division  
U.S. Department of Justice  
Room 8104  
555 Fourth Street, NW  
Washington, DC 20001

RE: Application for an EAS Waiver

Dear Mr. Russell:

Bell Atlantic hereby requests that the Department expeditiously review and recommend to the Court the grant of its enclosed Application for EAS Waiver.

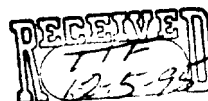
Enclosed is a memorandum supporting this request, together with a proposed order.

If you have any questions regarding this matter, I would be pleased to discuss them with you.

Very Truly Yours,

*John Goodman*

John M. Goodman





Bell Atlantic, Network Services, Inc.  
1320 North Courthouse Road.  
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**John M. Goodman**  
General Attorney

December 4, 1995

**To Interested Parties:**

Please be advised that the attached Application for EAS Waiver has been submitted to the United States Department of Justice for its consideration, "formally or informally with the requesting Regional holding Company and all other interested parties" pursuant to the procedures set forth by the United States District Court for the District of Columbia in United States v. Western Electric Co., Civil Action 82-0192.

The purpose of this notice is to provide you with an opportunity to comment on this request for decree relief, should you wish to do so.

The Department of Justice requires that comments relating to this request for a waiver be made within twenty-one days. Comments should be directed to:

Donald J. Russell, Esq.  
Chief, Telecommunications Task Force  
Antitrust Division  
U.S. Department of Justice  
Room 8104  
555 Fourth Street, NW  
Washington, DC 20001

*John Goodman / JCG*

**John M. Goodman**

**Enclosures**